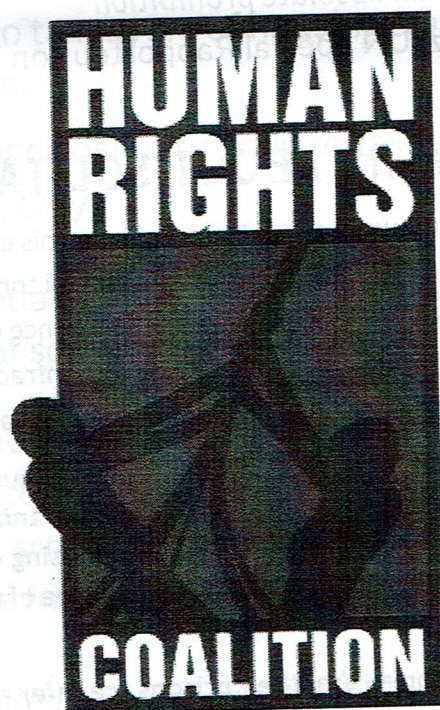


ENDING LONG TERM SOLITARY CONFINEMENT

Costs, Effects, and Alternatives to the use of
Solitary Confinement in Pennsylvania Prisons



SOLITARY CONFINEMENT IN PENNSYLVANIA

- 2,314 PEOPLE** were reported as being held in segregation in the state's Restrictive Housing Units as of February 2019, according to the PADOc. That's nearly 5% of the 46,374 people in county, state, and federal prisons and jails in PA.
- 90 DAYS** The maximum amount of time per misconduct an incarcerated individual may be sent to solitary, according to the Inmate Handbook of the PADOc.
- 37 YEARS** The length of time Arthur Johnson spent in solitary confinement in state prison in PA. Despite stated policy, many people spend years, even decades, in solitary.

"Indefinite and prolonged solitary confinement in excess of 15 days should be subject to an absolute prohibition"

- Juan Méndez, UN Special Rapporteur on Torture

DEBUNKING THE MYTHS ABOUT SOLITARY

In a survey of prison wardens, when they were asked the reason for this extremely harmful and costly practice, they responded: "increasing safety, order and control throughout prison systems and incapacitating violent or disruptive inmates." However, the evidence does not support this claim. Many people held in solitary confinement are there for minor infractions, and its role in decreasing violence and disruption in prisons is not empirically substantiated.

OVER 50% of people held in solitary are believed not to be there because they pose a safety risk. The Vera Institute of Justice reported that, "in **Pennsylvania**, the most common violation associated with a sentence to segregated housing was 'failure to obey an order,' with 85 percent of those written up for this type of violation sent there" (2015).

REFORMS IN ACTION: In 2015, Washington reported that **their prisons are safer after replacing solitary confinement** with alternative programs. Colorado reported that, after they lowered their solitary confinement population by 85%, they had **their lowest rate of prisoner on staff assaults in 9 years**.



SOLITARY CONFINEMENT IN PENNSYLVANIA: COSTS

\$42,727 The cost to taxpayers of housing a prisoner in the general population.

\$75,000 The average cost nationally to taxpayers, per prisoner, for a year in solitary.

\$75 MILLION Total, annual savings in prison costs from eliminating the practice of solitary confinement

With the number of people held in solitary confinement in Pennsylvania right now, the sum of these costs are enormous and could be used for decreasing the budget, funding public schools, and reducing violence and recidivism in communities. Evidence from other state reforms demonstrates realized savings.

\$8 MILLION The estimated yearly savings to Mississippi's taxpayers following reforms to solitary confinement, according to the ACLU.
In recent years, Mississippi reduced the number of prisoners it holds in solitary from 1,000 to about 150, and it closed down its Supermax unit.

SOLITARY CONFINEMENT AND MENTAL HEALTH

"When [the mentally ill are] in segregation, if they're not appropriately engaged they continue exhibiting the behaviors that got them there in the first place. If anything, they heighten that activity, which then puts them back before a disciplinary committee, and they get more [segregation] time. So instead of getting out, they wind up staying longer and longer and longer, and they deteriorate."

— Michael J. Sullivan, former director, Wisconsin Department of Corrections, 2001.

- The Vera Institute of Justice quoted a summary report: "[n]early every scientific inquiry into the effects of solitary confinement over the past 150 years has concluded that subjecting an individual to more than 10 days of involuntary segregation **results in a distinct set of emotional, cognitive, social, and physical pathologies.**" They continued, "The characteristics that define segregated housing—social isolation, reduced environmental stimulation, and loss of control over all aspect of daily life—**create a "potent mix" that produces a litany of negative impacts**"
- Statistically, those in solitary developed psychopathologies at higher rates than those in the general population (28% vs. 15%). This includes anxiety, depression, anger, cognitive disturbances, perceptual distortions, paranoia, psychosis, and self-harm.
- A congressionally mandated audit of restrictive housing in federal prisons, by the Center for Naval Analyses' Institute for Public Research, found that roughly **60 percent of the prisoners** whose solitary cases were reviewed had serious underdiagnosed or untreated mental illnesses.
- In the juvenile justice system, **approximately half of all suicides take place when a young person is held in "room confinement."** In California, it has been shown that inmates in solitary are **33 times more likely** to commit suicide than other prisoners incarcerated elsewhere in the state.

SOLITARY CONFINEMENT AND RECIDIVISM

- People held in solitary have limited or no access to resources offered at the prison that are statistically shown to reduce recidivism. These include job training and education, addiction counseling, and transition planning. They do not build skills to resolve interpersonal conflict.
- **Solitary confinement has been shown to create antisocial tendencies among prisoners** and to make them more prone to violence in the future.
- Even with these extreme psychological and social effects of solitary confinement, in Pennsylvania **over 400 prisoners were released** from solitary confinement **directly back to the public** every year from 2008-2014
- In Washington state, prisoners who were confined in solitary had a **20 to 25 percent higher recidivism rate** than those in less-restrictive housing. Those who spent time in solitary directly before reentering society were more likely to commit violent crimes.
- The Commission on Safety and Abuse in America's Prisons, following a yearlong investigation, called for dramatic reductions and reforms on the practice of solitary confinement, noting the high recidivism rate and the viability of alternatives to solitary confinement. **The Commission found that the increasing use of high security segregation is counter-productive**, often causing violence inside facilities and contributing to recidivism after release.
- In Maine, there was a dramatic reduction in the use of solitary confinement (419 to 15) and the Department of Corrections claims a **one-year recidivism rate drop from 75 percent to between 15-20 percent.**

SUMMARY OF THE BILL

Ending Long-Term and Indefinite Solitary Confinement

- **Time Limits for Isolated Confinement:** The bill establishes that no one will be held in solitary confinement for more than 15 days. No one will be held for longer than 20 days in a 60-day period so that people cannot be sentenced to 15 days over and over again.
- **Rights to Access to Basic Necessities:** An inmate in solitary confinement cannot be denied access to appropriate medical care, food, water, or any other basic necessity.
- **Lockdown:** During a correctional facility lockdown, no inmates may be held in solitary for longer than 15 days.
- **Protection of Vulnerable Populations:** Prohibits the imposition of solitary confinement on vulnerable populations (juveniles under 21, elderly over 70, women who are pregnant, postpartum, or recently miscarried, LGBTI)
- **Torture Devices:** Prohibits use of torture devices in solitary, such as the restraint chair, shackles, and chemical weapons (pepper spray, tear gas).

Alternatives to Solitary

- **Strict Conditions for Solitary:** You can only place an inmate in solitary after incidences of violence or if there's reasonable cause that they may cause substantial harm to themselves or another, evidenced by recent conduct
- **Alternative Disciplinary Sanctions:** It establishes the use alternative and informal sanctions for the vast majority of inmate misconducts. Such as:
 - **Cell Restriction:** Up to 14 days cell restriction; Confining the prisoner to his own cell in the general population area, rather than a segregated isolated confinement unit.
 - **Loss of Privileges:** Up to 14 days loss of specific privileges
 - (e.g., telephone, tablet/kiosk access, yard, day room, etc.)
 - Up to 14 days loss of commissary;
 - Loss of job for work-related misconducts;
 - **Reprimand and/or warning:** The use of reprimands and warnings over formal sanctions for minor infractions.

Step Down Program

- **Rehabilitation after Solitary:** It mandates that inmates are transferred to a Step Down Program for Rehabilitation after any period of time in solitary confinement.
- **No Direct Release to the Public:** No inmate will be released directly back to the public within 180 days of the inmates term of incarceration
- **Personal Medical and Mental Health Exam:** Conducted by a clinician within 48 hours of an inmate entering or exiting solitary confinement - Regular meetings with a mental health professional after solitary confinement
- **Gradual Release into General Population -** Coming back to a single cell with no cell mates after time in solitary.
- **Access:** Access to classes and educational materials during time in solitary and during the step down program. Access to familial/outside contact

SUMMARY OF THE BILL (CONT.)

Independent Investigator

- **Independent Investigator for each facility:** This bill mandates that the department create an Independent Investigator to monitor violations of these laws and prohibitions
- **Responsibilities of the Investigator:**
 - Interviews inmates in solitary – reports on torture, abuse, and violations of the prohibitions in this bill
 - Oversees that parts of the bill that should be followed
 - Has access to any necessary documents held by the institution for the purposes of the misconduct hearing
 - Independent Investigator can be called upon to give testimony during the misconduct hearing

Hearing Review Board

- This bill establishes a Hearing Review Board (HRB) to preside over Misconduct Hearings to replace the Hearing Examiner currently used. The HRB would include
 - A licensed Psychologist or Psychiatrist
 - A Licensed Mental Health/Counseling background
 - A licensed Social Worker
- **Good Behavior:** Inmates shall be considered for review by the Hearing Review Board (HRB) for release back into population prior to the 15 day time limit if the inmate demonstrates good behavior

Rights of Inmates During the Misconduct Hearing Process

- **Defendants must be allowed to call a Witness.** Inmates are able to call on witness, an Inmate Advocate, or Legal Counsel (at their own cost) to be present during Hearing (Unless the Hearing Review Board is able to disallow a witness with cause shown).
- **Ability to present evidence** – Inmates can must be allowed to present evidence, including video - Must be given access to evidence at least 24 hours prior to hearing

Duties of the Secretary

- Developing and implementing a review of all the solitary confinement units in the state
- Reviewing each inmates status and coming into compliance with the statutes in this policy
- Developing a plan for providing step-down and transitional units
- Developing staffing patterns for correctional facility employees including the clinicians and various staff named in this bill

Universal Application Across All Pennsylvania Facilities:

- This law applies to everyone in the Federal, State, County, Juvenile Correctional Institutions as well as in ICE (Immigrations and Customs Enforcement) Facilities.

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